



1 of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28  
2 U.S.C. § 636(b)(1) (“the court shall make a *de novo* determination of those portions of the  
3 [report and recommendation] to which objection is made.”).

4 Because neither party has filed an objection,

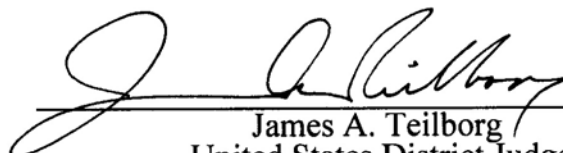
5 **IT IS ORDERED** that the Report and Recommendation (Doc. #95) is accepted and  
6 adopted;

7 **IT IS FURTHER ORDERED** that Petitioner’s motion to withdraw ground one (Doc.  
8 #86) from the amended petition filed September 25, 2008, is granted; ground one is  
9 dismissed without prejudice; and

10 **IT IS FURTHER ORDERED** that the remaining claims in the amended petition  
11 filed September 25, 2008, are transferred to the United States District Court for the District  
12 of Oregon.

13 **IT IS FINALLY ORDERED** that the motion for a temporary restraining order  
14 barring the collection of restitution (Doc. #93) is denied without prejudice to refiling the  
15 same motion before the Oregon District Court.

16 DATED this 4<sup>th</sup> day of November, 2009.

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20 James A. Teilborg  
21 United States District Judge  
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